

Department of Agriculture

Pt. 416

Contracting Officer, or other individuals designated by the Contracting Officer.

3. I agree to return to the Government all copies of proposals, as well as any abstracts, upon completion of the evaluation.

(Name and Organization)

(Date)

(End of provision)

(e) The release of a proposal outside the Government for evaluation does not constitute the release of information for purposes of the Freedom of Information Act (5 U.S.C. 552).

(f) The contracting officer shall attach a cover page bearing the GOVERNMENT NOTICE FOR HANDLING PROPOSALS, as set forth in FAR 15.413-2(e), to each proposal upon receipt. The last sentence of the notice shall cite 48 CFR 415.413 as the agency implementing regulation.

Subpart 415.5—Unsolicited Proposals

415.504 Advance guidance.

HCA's are responsible for establishing procedures to ensure compliance with the requirements of FAR 15.504.

415.506 Agency procedures.

HCA's are responsible for establishing the procedures for control of unsolicited proposals required by FAR 15.506(a) and for identifying the contact points as required by FAR 15.506(b).

Subpart 415.6—Source Selection

415.607 Disclosure of mistakes before award.

The HCA with the concurrence of the Office of the General Counsel is authorized to make the determination permitting proposal correction as required by FAR 15.607(c)(3).

415.608 Proposal evaluation.

An acquisition official above the level of the contracting officer is authorized to make the determination to reject all proposals under the circumstances listed in FAR 15.608(b).

415.612 Formal source selection.

The HCA shall determine when a formal source selection process will be used and establish procedures for implementing the requirements of FAR 15.612.

Subpart 415.9—Profit

415.902 Policy.

(a)(1) USDA will use a structured approach to determine the profit or fee prenegotiation objective in acquisition actions when price negotiation is based on cost analysis.

(2) The following types of acquisitions are exempt from the requirements of the structured approach, but the contracting officer shall comply with FAR 15.905-1 when analyzing profit for these contracts or actions:

- (i) Architect-engineer contracts;
- (ii) Construction contracts;
- (iii) Contracts primarily requiring delivery of material supplied by subcontractors;
- (iv) Termination settlements; and
- (v) Cost-plus-award-fee contracts;

(b) Unless otherwise restricted by contracting activity procedures, the Contracting Officer may use another Federal agency's structured approach if that approach has been formalized and is maintained as part of that Agency's acquisition regulations (i.e., included in that Agency's assigned chapter of Title 48 of the Code of Federal Regulations).

(c) The HCA is responsible for establishing procedures to ensure compliance with this subpart.

Subpart 415.10—Preaward, Award, and Postaward Notifications, Protests and Mistakes

415.1070 Post-award Conference.

If a postaward conference is necessary, the contracting officer shall insert clause 452.215-73, Post-Award Conference.

PART 416—TYPES OF CONTRACTS

Sec.

416.000 Scope of part.

Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.

416.203-4 Contract clauses.

Subpart 416.4—Incentive Contracts

416.405 Cost-reimbursement incentive contracts.

416.405-2 Cost-plus-award-fee contracts.

416.406 Contract clauses.

416.470 Solicitation provision.

Subpart 416.5—Indefinite-Delivery Contracts

416.505 Ordering.

416.506 Solicitation provision and contract clauses.

Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.

416.603-2 Application.

416.603-4 Contract clauses.

416.670 Contract clauses.